

1753
A

CIRCUMSTANTIAL and AUTHENTIC
A C C O U N T
OF A L A T E
U N H A P P Y A F F A I R

WHICH HAPPENED
k. London. - III.
At the Star and Garter Tavern, in Pall-Mall.

BY A PERSON PRESENT.

——— Speak of me as I am;
Nothing extenuate, nor set down aught in Malice.

SHAKESPEAR.



L O N D O N :

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It is the writer of this piece that he is happy enough to have fulfilled these his intentions in the opinion of the reader, he will be fully satisfied, being, as an author, beneath

criticism, and above censure. This is the first time he has ever attempted to engage the attention of the public in that capacity, and it will be, in all likelihood, the last. He has

been more solicitous of maintaining truth, than of conveying topicated argument in a plausible or elegant style: His is to candour and justice the appeal, and simple nature is to them the best recommendation: He addresses the heart and not the head; if he obtains the suffrage of the former, he is little solicitous about that of the latter.

AS the subject of the following sheets is the present reigning topic of conversation, and is likely to become more so, it cannot be disagreeable to the Public, to be acquainted with the particulars of the unhappy affair which has given rise to it; especially as many false and enormous reports have been propagated, without any regard either to truth or probability.

These sheets were written soon after the tragical event happened, in the form of a letter to a friend in the country, without the author's having any intention of rendering them public, had not his repeated observation convinced him, that the world was entirely ignorant of the real nature of the transaction; that they were reasoning upon imaginary facts, and drawing as imaginary conclusions.

The characters and dispositions of the antagonists have never yet been rightly considered, any more than the real subject of the quarrel. It was necessary to set these things in a clear point of light, in order to judge with impartiality,

and decide with candor, upon an event, which cannot be properly determined without the nicest eye to all the particulars relating to the parties, as well as the occurrence.

If the writer of this little piece shall be happy enough to have fulfilled these his intentions in the opinion of the reader, he will be fully satisfied, being, as an author, beneath criticism, and above censure. This is the first time he has ever attempted to engage the attention of the public in that capacity, and it will be, in all likelihood, the last. He has been more solicitous of narrating truth, than of conveying sophisticated arguments in a plausible or elegant style: it is to candour and justice he appeals, and simple nature is to them the best recommendation: He addresses the heart and not the head; if he obtains the suffrage of the former, he is little sedulous about that of the latter.

CIRCUMSTANTIAL and AUTHENTIC

A C C O U N T, &c.

DUELLING has been discountenanced in all civilized nations, and even the Mahometans do not practise it; amongst them the sole point of honour consists in serving their king well, and in espousing and supporting his quarrels in war. The antient Greeks were of opinion, that these combats were only fit for Barbarians, and the antient Romans supported the same sentiments, in this respect, with the Greeks and Turks; they in no respect approved of duels or combats, nor did they ever contest those points of honour which are peculiar to us Christians: and yet how repugnant to that religion we profess, as well as every feeling of humanity, is it to plunge a sword in a friend's bosom for an unguarded expression, or a misconstrued application?

B

This

This barbarous custom was originally derived from that ferocious people the Germans, who having no cities, they lived in forests, and the dread of wild beasts obliged them to be always armed ;—the first emotion of a man that is so, when an insult is offered him, is to lay his hand upon his arms. The Germans, by their emigrations, introduced it into various parts of Europe, and it became so fashionable in France, that many severe edicts have been issued, which have not, however, abolished so ridiculous and shocking a practice.

The unfortunate custom of doing one's-self justice by force, transmitted, as one may say, with their blood from age to age, amongst all people that came from Germany, appeared to them as antient and noble as their origin. There were no possible hopes of persuading conquerors to renounce a custom, which they looked upon not only as a mark of their independence, but as a right of every freeman. If Numa had no trouble in abolishing it amongst the Romans, it should be considered that this so-much-boasted legislator, who commanded at most not above twelve leagues in circumference, in an asylum of slaves, fugitives, and thieves, was not required to be more than a tolerable justice of the peace. It was easy to enforce rules upon a set of villains, whom the hopes of impunity had rendered fellow-countrymen, who mutually despised and feared one another, and each, judging of the rest by himself, was obliged, for his own security, to be cautious of not infringing upon the laws.

Amongst the Franks, as well as the Germans, even homicide was expiated by a sum of money ; and under the first and second race of the kings of France, and during almost three hundred years of the third race, a nobleman could not be punished with death, but in cases of high-treason against the State. To such a pitch was Duelling arrived in France under the reign of Henry IV. that it was proved, by above seven thousand letters of grace expedited at the Chancery, that there had been, at least, seven or eight thousand gentlemen killed in duels within the space of about seventeen years. The edicts of Lewis XIV. against Duelling are very severe ; but the fatal prejudices which have hitherto subsisted, with regard to the point of honour, will, it is to be feared, never be removed but by shame and ridicule. By these edicts it is now death, there, not only to fight a duel, but even to send or accept a challenge : for this reason, when two hot-headed Frenchmen are inclined to dispute any controverted point by the ultima-ratio of the sword, they contrive, in order to evade the rigour of justice, to render their decision an accidental *rencontre* ; so that duels continue

tinue there almost as frequent as ever, being changed in nothing but their name.

We, who are fond of adopting all the fashions and caprices of that flighty people, have not failed to imitate them in this; and, as no man can now be said to have completely finished his education, without having learnt the art of dissection with the small sword, those who have acquired greater skill and experience at it than others, are fond, upon every occasion, to demonstrate their superior abilities and address; and many quarrels may be attributed to that vanity which inspires a proficient in fencing, to prove the validity of his reasoning by the goodness of his lounge.

Probably the fatal affair which we are now going to relate would never have happened, if Mr. C—— had not imagined he was so great a master of the sword, that he could call any gentleman to account, without risking, in the least, his own person. It is certain, that if a calculation had been made, the odds were greatly against Lord B——, who was but an indifferent swordsman, when compared to his adversary. The ill-natured world have attributed that to treachery, which was the effect of chance; and they have endeavoured to blacken his Lordship's character to the highest degree, that they might render it plausible for him to have been guilty of a base act; but when the circumstances of this affair are coolly attended to, the dispassionate reader will be enabled to judge how far partiality has had a part in prejudging and condemning his lordship.

That Mr. C—— was a very worthy member of society, much of the gentleman, and greatly esteemed by all his acquaintance, is incontrovertibly true; and as such Lord B—— had ever considered him, and placed him amongst the foremost of his friends. A very strict intimacy had subsisted for many years, and which, in all likelihood, would have continued, if this unluckly misunderstanding had not occurred. It is remarkable, that the nearest friends, upon the slightest rupture, become the most inveterate enemies; and this may, in some measure, be accounted for, when we reflect that what we should look upon with unconcern or contempt in a stranger, would sensibly affect us in a relation, or such a one as we still considered more closely connected by the endearing tie of friendship. It is the sensibility with which we feel, and not the kind of offence, that excites us to resentment; for, as Zanga says in the Play,

Affronts are innocent, where men are worthless.

Mr.

Mr. C—— was more deeply affected with only the shadow of an affront from Lord B——, than if a stranger had given him the highest insult; he imagined his lordship should have known him better, than to suppose him guilty of any the least dishonourable conduct, after so many years, and such a close acquaintance. A person who had casually dropped into his company, being ignorant of his general character, might have entertained notions of him less advantageous than he deserved, for which he should not have considered the stranger culpable, as a better acquaintance would have rectified his error; but it was highly criminal, he thought, in his lordship to harbour the smallest doubt of the uprightness of his conduct, after having such a series of proofs to evince its rectitude.

On the fatal day which this accident happened, Lord B—— and Mr. C——— dined, with some more noblemen and gentlemen, at the Star and Garter Tavern, in Pall-Mall, when every thing was, during dinner-time, conducted with the greatest good-humour and cordiality; however, at length the conversation turned upon hunting, and Mr. C—— mentioned, that his farmers had complained to him, that some gentlemen, who were visitors at Lord B——'s seat, in Northamptonshire, had hunted and killed a hare upon their grounds, which lay contiguous to his lordship's estate. Lord B—— undertook to vindicate the conduct of those gentlemen, saying, that “ he was sure they were too well acquainted with the nature of farming in general, to commit any outrage, or do any prejudice to Mr. C——'s farmers; but that if a hare had escaped from them upon those lands, after having started it upon his estate, he thought they had been guilty of no kind of indiscretion.”

Mr. C—— insisted upon it, that they had done considerable mischief upon his lands, and became so warm in the argument as to urge, “ that if ever any of his visitors, let them be whom they would, had the insolence to hunt upon his land, he should give orders to his game-keeper to consider them as no other than poachers, and treat them accordingly.”

Lord B—— did not fail to reply to this in a manner which he thought suitable, and very high words arose; but, by the interposition of the other gentlemen present, the altercation seemed to be entirely subsided. Mr. C—— had now occasion to go backwards, and Lord B——, who was, doubtless, pacifickly inclined, took an opportunity of ordering his chariot to go to the Opera. Unluckily Mr. C—— returned before his lordship's servants were ready, and, meeting him upon the stairs, told him,
“ That

" That before he went, he had something to say to his lordship ;" where-upon they retired to a private room, and Mr. C—— then said, he insisted upon satisfaction, and bid his lordship *draw*. Lord B—— replied, " He " was not able to cope with him with the sword ; but that if he insisted " upon it, he would meet him the next morning where he pleased, with " pistols." Mr. C—— made no reply to this, but, drawing his sword, bid his lordship defend himself, *for he would not be trifled with*. As soon as his lordship had placed himself in a posture of defence, he made a thrust at him, which went through the breast of his coat and waistcoat, and slightly grazed his body. His lordship had, upon receiving this wound as he imagined it, retired back, and, with the lap of his coat, had thrown the candle and candlestick off the table, and extinguished it : there was no other candle in the room, so that they were now entirely in the dark ; and in such a situation it is to be supposed they both defended themselves as well as they could, when Mr. C—— unfortunately received the thrust of which he died.

All this was transacted in less than five minutes from the time that Lord B—— departed from his company, so speedy is mischief in its execution ! The house was no sooner alarmed with the noise, than lights were brought, when Mr. C—— was found upon the floor, and his lordship endeavouring to raise him.

Mr. H-wk-ns was immediately sent for, and he came as soon as possible ; but he was scarce entered the room, before he was taken so ill, that he was obliged to retire, and another surgeon was sent for.

The invidious world have not failed to take an opportunity from hence to aver, that the scene was so shocking, that he was unable to support it. This is paying Mr. H. a very bad compliment as a surgeon, however it may flatter his humanity. One should rather imagine that some other of the spectators would have been affected in this manner at the horror of the spectacle, who were not accustomed to such disagreeable sights, had it been so very terrifying, than to think that a most celebrated surgeon, who had for so many years attended the hospitals, and seen objects in every the most frightful situation, under the most excruciating pains, at the very point of embracing the arms of death, should be so greatly shocked at the sight of a wound made by a small sword.

Those

Those who pretend that this thrust was not given fairly, do not consider that when people are in earnest with swords, much, if not all the form and parade of foils, is laid aside, and the antagonists are too intent upon the subject to consult attitudes. How frequently do we find the best fencer wounded; nay, have we not had instances of professors of the art being killed by mere novices? If their knowledge in covering all those parts of their body which they thought attackable, could have secured them, these events could never have happened: but the ignorant person attacks, with so much fury, and in such an unexpected manner, that he quite disconcerts the adept, who is for defending himself by such rules as his adversary is entirely ignorant of. It is like a professed whist-player, disposing of every card according to Mr. Hoyle, whilst an ignorant gamester, unacquainted with that gentleman's maxims, plays in so extraordinary a manner, and so very different from the established rules, that all his antagonist's plan is entirely destroyed, as he is defending a game which the other has really no idea of.

This was precisely the case in the affair before us; Mr. C—— was a professedly great swordsman, who relied upon his skill, while Lord B—— was almost entirely ignorant of the art, and attacked him without any sort of rule, in a part he did not expect. Besides, the accident of the candle being extinguished at that very critical time, when my Lord had received Mr. C——'s first thrust, which went through his coat and waistcoat, and which Mr. C—— imagined at that time had been fatal, greatly favoured Lord B——, by removing that disparity there was in their skill, and by throwing Mr. C—— so much off his guard, as to be attackable in the part where he received the wound, and which, it is reasonable to believe, was given there by Mr. C——'s endeavouring to bear down his lordship's point. In such a conflict it is very difficult to say precisely in what manner the wound was given; perhaps neither of them, had they both been still living, could take upon them to determine it accurately. When Mr. C—— was asked by his uncle to tell him if the wound was given fair, the only reply he made was, "It was all done in the dark, and he could say nothing about it."

If then one of the antagonists, nay, the wounded person, could not determine how the wound was given, how is it possible for any other person to do it, who was not present? Or, indeed, had there been ever so many present, could they pretend to assert any thing of a transaction that was done in the dark? Perhaps Mr. C—— run upon his lordship's sword, after he had made his first lunge, imagining he had wounded him, and going

to his relief: in this case, though the wound might not be in a part, which, according to the rules of fencing, could be touched in a regular manner, it no way proves his lordship took any advantage of Mr. C—, either by his being unguarded, or by wresting the sword out of his hand, for Mr. C— still clasped it when the light came.

It appeared upon the Coroner's inquest, by all the witnesses that attended, "That a dispute having arose between his lordship and Mr. C—, concerning some injury that had been done to Mr. C—'s farmers, very high words arose; that they were, however, seemingly appeased by the interposition of the rest of the company, when Mr. C— had occasion to go to the necessary; that my lord, in the interval, ordered his chariot to go to the Opera; that, meeting upon the stairs, they retired into a private room, where there was only a single candle: that upon a noise being heard, the door of the room was forced open, when the candle was found extinguished upon the floor, and Mr. C— wounded under the navel; that upon a surgeon's examining the same, he said, he believed it mortal, as it afterwards proved; but that before Mr. C—'s decease, upon various questions being put to him concerning my lord's conduct, he in no shape accused him of foul play, or having taken any sort of advantage of him."

This was the substance of the testimony upon the Coroner's inquest, who, after mature deliberation, brought in their verdict *manslaughter*. This, then, is the only disquisition that has hitherto been made of this affair; and, as far as it extends, my lord has not appeared to have acted any way dishonourable; and it is but doing that justice which every individual has a right to claim, to suppose him innocent, till such time as he is found guilty. There is great reason to believe he will surrender himself up to take his trial, as he has wrote a letter to a certain person in power, acquainting him with his intentions upon that head; and if he now keeps out of the way, this should not be imputed to guilt, but to a reluctance which every man must have to confinement.

It is the highest pitch of inhumanity to prejudice any man; and if any presumptive conclusions are drawn for want of evidence, they should, if we are actuated by charity, be in favour of the supposed culprit, and not to his prejudice. But it should seem that malice and ill-nature had exhausted their inmost sources upon this occasion. They have not only falsified every circumstance relating to the affair, by supposing Lord B— the aggressor;

aggressor; that he was the person who went out of the room to send for Mr. C-----, that he gave the mortal thrust before Mr. C----- had drawn; but they have even drawn a parallel between this affair and that of the late Lord Ferrers. It is notorious to the world, that the unhappy earl we have just mentioned, killed Mr. Johnson his steward in cool blood, without any kind of provocation, except a series of faithful services might be called such; that he would certainly have destroyed the surgeon who was sent for, if he had not had the great and astonishing presence of mind to tell Lord Ferrers that Mr. Johnson was out of any sort of danger; and so indeed he was, in one sense. His counsel upon his trial did not pretend to palliate his crime; they saw it in all its aggravated horror, and were compelled to acknowledge it; all that they did, or could attempt, was to endeavour at proving his lordship a lunatic: but this was invalidated by several evidences, who clearly proved his sanity of mind upon many occasions: and indeed the premeditation and deliberation with which he performed the shocking deed, was a strong corroboration of it.

Where, in the name of justice, is the similitude between their affairs, except in their being peers? Is a premeditated murder upon a man who is defenceless, without any sort of provocation, to be compared to the loss of a life in a duel which the survivor was compelled to? Reason and common sense explode such comparisons: malice and slander rear their crests in vain, when they have these opponents.

Nor has the ill-natured trump of fame been confined to these aspersions only. It has been said, and repeatedly said, that Lord B--- is of a most overbearing, cruel, tyrannical disposition: that homicide and murder are innate passions of his heart, and that he has not failed to gratify them upon many occasions. As a proof of this it is very gravely urged, that but a few years ago he shot one of his postilions dead for some trivial offence, such as not turning his chaise so dexterously as he ought to have done, but that he found means, by dint of money, to stifle any prosecution that might ensue: nay, that his cruelty had not been confined only to his domestics, but that the partner of his nuptial bed, his wife, his lady, had also fallen a sacrifice to his monstrous barbarity.

Now, the falsity of these malicious reports is as evident as it is inhuman. His lordship is famous for being a kind and indulgent master to his servants, and his place has always been considered as one of the best in England. As to his lady, so far from his having been instrumental in her death, she has

has lived with him for many years in the strictest union, and most agreeable cordiality, and is now in perfect health, save the uneasiness she must naturally feel, at the disagreeable circumstance his lordship now labours under. As a proof of the regard he pays her ladyship, and how careful he is to avoid giving her the least anxiety, we shall relate a little anecdote which may be relied on, and which has a close affinity with the subject of these sheets.

On the night of his return from the Star and Garter tavern, where the unhappy conflict happened, her ladyship perceived, whilst at supper, that his coat was torn, and asked him how it happened; but instead of informing her of the real cause, which was Mr. C——'s first lounge, he answered, perhaps he had run against some nail, or tore it against the door of the chariot. By this means she remained ignorant of the unhappy accident that had happened, till it became the general topic of conversation; his lordship being of opinion, that it was early enough for her ladyship to be acquainted with affliction, when it could be no longer avoided.

From what has been said, I imagine it must appear evident to those who do not let themselves be driven by prejudice and ill-nature, that the injurious reports that have been so industriously propagated to his lordship's prejudice, may be traced to their native source, malice and calumny. Those who accuse his lordship of inhumanity upon these occasions, do but little reflect upon the cruelty they themselves are at the same time guilty of, in accusing a person of imaginary crimes, that may influence a jury (whether his peers or others) to his prejudice upon his future trial, which (notwithstanding all that has been said to the contrary, in order to blacken his lordship still more, and make him appear conscious of his own guilt) he will certainly stand; and I doubt not we shall soon hear of his surrendering himself to that purpose, when the time is fixed upon for its taking place. The issue I will not pretend to anticipate; but if we may judge of the circumstances that have been proved upon the Coroner's inquest, it is reasonable to believe that he will be honourably acquitted.

By what I have said, I do not pretend to defend the inhuman custom of duelling.—It is shocking to nature, and every idea we can entertain of religion and morality, to think of two persons, perhaps bosom friends, cutting each other's throats for a mere nothing. But the matter is, how is the evil to be remedied, while the custom prevails of branding a man with the most infamous of epithets, that of *coward*, if he refuses to accept a challenge,

lenge, or does not seem eager to resent an imaginary affront. Many a man, who is very loth to draw his sword, is hurried away by the heat of his passion, to commit an action, which his cooler moments would highly condemn him for. It is for this reason that in France they are more lenient in punishing what is called a *rencontre*, than a premeditated duel, as they think the former may be done in the first emotions of rage, whilst the latter must be the effect of reflection and premeditation.

There are some situations and circumstances so critical, that it would be very difficult for the wisest philosopher, or the deepest casuist, to determine how a man should act. Suppose an officer, who has a family, and no other dependance than his pay, were to be grossly insulted, we will say, taken by the nose in a public coffee-room: if he does not resent such an affront, he will not only be despised by his acquaintance; but the officers of his corps will not associate with him, and he will stand a very fair chance of being tried by a court-martial, and broke for cowardice. In this case he is completely ruined, having no other support than his pay; his family is reduced to beggary, and himself becomes an outcast of society, contemned and despised by his former acquaintance and friends, who, under any other circumstances, would have been ready to have assisted him, and offered him protection.

In such a dilemma will the most pacific man, or the greatest moralist, say, that he should pass over this insult with impunity? If not, what is the alternative? he fights and kills his antagonist; perhaps he gives a wound in a part, that, according to the opinion of the connoisseurs in fencing, is not allowed to be *scientific*, and therefore he must be condemned. How cruel, how barbarous this alternative!

I shall illustrate what I have said by an affair which occurred in the Imperial army in Italy, during the late duke of Marlborough's campaign. Two officers, who had been in the same corps for some years, the one a major, the other a captain, were highly respected by the whole regiment for their politeness and civility, as well as their knowledge in the military art. They were inseparable companions, and looked upon as unalienable friends. A young officer in the same regiment, who had more vivacity than prudence, or more villainy than both, undertook, for a frolic, as he afterwards called it, to impose upon the major, with regard to the friendship of the captain: he wrote him an anonymous letter, wherein he acquainted him with many injurious aspersions that the captain had thrown
upon

upon him, and, amongst others, that he had averred he knew he would not fight, and that he was an errant coward. The major, who, upon any other occasion, would have let prudence and reason dictate, in considering whether this anonymous information was any other than the offspring of calumny and malice, flew, with the wings of revenge, to the captain's tent, and, without any sort of explanation, told him, he found he had used him like a scoundrel, and he insisted upon immediate satisfaction: the captain endeavoured to remonstrate with him to convince him of his error, and to assure him he was imposed upon; but it was all in vain: every effort the captain made to persuade him of his innocence, the major considered, in his present rage, as the treachery and dissimulation of a villain, and he became the more incensed as the other reiterated his remonstrances. In a word, the major was wrought up to that pitch of passion or phrenzy, that he told the captain, he was convinced that he must be a coward and a scoundrel, for no other could put up with such insults as he had offered him. Though the captain's blood was highly fermented by such language from his friend without any provocation, he had still calmness enough left to tell him, "If he was of the same opinion two hours hence, he would then sacrifice his life to his mistake." The captain had scarce uttered these words before he received a blow on his cheek, with a declamation, "Take that, villain, as a reward for your treachery and poltroonery." The captain was unable to bear such an insult; he drew, and the major, in retiring to draw, fell back over a stool upon which an esponton rested. By this he received a deep wound in his back: the camp was presently alarmed, and the captain put under an arrest. The major died within twenty-four hours, and the captain was tried by a court-martial.

The nature and place of the wound, seemed to carry with it such indubitable marks of treachery and cowardice, that every one readily believed the captain had been guilty of all the baseness asserted in the letter which was found in the major's pocket; and never were the tongues of calumny and detraction more exerted to blacken the character and reputation of this unfortunate officer.

He was brought to his trial with all these prejudices against him, and without one witness to prove in what manner the major received the wound: he in vain related that he fell back upon the esponton, no proof could be brought of the fact, and no credit was given to the assertion. The court had now gone through all the examinations that were necessary, when the young officer who had written the letter, and who
had

had found the bloody esponton, which he had secreted in his tent, touched with remorse at his past conduct, and unable to support the anguish of causing two men to lose their lives for his folly or guilt, appeared in court, acknowledged the writing the treacherous letter, and produced the bloody esponton, which he found upon the spot where the affair happened. The judges immediately changed their sentiments in regard to the unfortunate captain, and readily believed, that a man who had been so greatly injured in one respect, might probably be so in another. The bloody esponton alone was sufficient testimony for his being honourably acquitted.

What became of the malicious young officer, and how highly cherished the captain was afterwards, by those who had before been his most rigid scrutators, it were needless to dwell upon. This story evinces how difficult it is, under certain circumstances, to avoid coming to such disagreeable extremities, and how cautious the charitable and humane should be in adopting popular clamour.

P O S T S C R I P T.

SINCE the preceding sheets were sent to the press, we find Lord B---- has voluntarily surrendered himself in order to take his trial, so that every invidious report that was propagated upon that head to his prejudice, must now fall to the ground. If we may judge from the visits he has already received in the tower from those gentlemen who were present at the time of the melancholy affair, we must be of opinion that they consider him no way culpable: but if this is not sufficient to stop the baneful tongue of calumny, she will be soon silenced by a fair and equitable trial, by a set of judges who have, upon every similar occasion, demonstrated the highest impartiality.

E T N I S.

29 JY 67

